

**ANNUAL REPORT
OF THE
COMMISSION ON MENTAL RETARDATION
AND DEVELOPMENTAL DISABILITIES**



**Indiana Legislative Services Agency
200 W. Washington St., Suite 301
Indianapolis, Indiana 46204-2789**

November 2008

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I. STATUTORY DIRECTIVE

The Indiana Commission on Mental Retardation and Developmental Disabilities was established by P.L. 78-1994 to do the following:

- (1) develop a long-range plan for community-based services for the developmentally disabled; and
- (2) review, make recommendations, and monitor changes regarding services to the mentally retarded and developmentally disabled population.

P.L. 245-1997 amended the original legislation, extending the life of the Commission to January 1, 2001. P.L. 272-1999 further extended the life of the Commission to January 1, 2005, and added the following responsibilities:

- (1) review and make recommendations regarding the implementation of a comprehensive plan prepared by the Developmental Disabilities Task Force (the "317 Plan"); and
- (2) review and make recommendations regarding the development by the Division of Disability and Rehabilitative Services of a statewide plan to address quality assurance in community-based services.

P.L. 242-2001 added an annual review of the Infants and Toddlers with Disabilities Program ("First Steps") to the Commission's duties.

In 2002, the Commission was converted to a permanent statutory commission in P.L. 190-2002. In addition, the Commission was required to:

- (1) study and make recommendations for the state to use state employees or contract with a private entity to manage and implement home- and community-based services waivers;
- (2) study and make recommendations regarding state funding needed to provide supplemental room and board costs for individuals who otherwise qualify for residential services under the home- and community-based services waivers; and
- (3) monitor and recommend changes for improvements in the implementation of home- and community-based services waivers.

II. SUMMARY OF WORK PROGRAM

The Commission met three times during the 2008 interim session on July 28, 2008, September 9, 2008, and October 14, 2008.

The Commission is not required to file a final report. Meeting minutes for the Commission can be accessed from the General Assembly homepage at <http://www.in.gov/legislative/>

III. SUMMARY OF TESTIMONY

The Commission addressed several topics during the three meetings. (More information regarding the meetings can be obtained from the minutes available from the General Assembly homepage referenced above.)

At the July 28 meeting, the Commission received information regarding the OASIS Program reimbursement changes. The meeting also included an update from the Family and Social Services Administration, Division of Disabilities and Rehabilitative Services (DDRS), on the state of DDRS. The Commission heard information on the Preschool for the Handicapped Program as well as some information on the First Steps Program. The Arc of Indiana provided the Commission an update on services for persons with mental retardation and developmental disabilities.

At the September 9 meeting, the Commission heard testimony regarding the status of the OASIS Program reimbursement rate negotiations and information on Medicaid waivers. The Commission also heard testimony on legislative issues concerning individuals with mental retardation and developmental disabilities from DDRS, The Arc of Indiana, and INARF.

At the October 14 meeting, the Commission heard information from DDRS regarding the First Steps Program and received an update on the status of the OASIS program negotiations. The Commission also heard testimony from The Arc of Indiana and INARF regarding proposed legislation and resolutions as well as budget priorities for the upcoming General Assembly.

V. RECOMMENDATIONS

The following drafts and recommendations were approved by the Commission at the October 14, 2008, meeting.

The Commission supports decreasing the waiting list for Medicaid waivers for the developmentally disabled. The proposed resolution requests that the Indiana House of Representatives recognize the work that FSSA has done to remove people from the Medicaid waiver waiting list and work to remove at least 10 percent of the current waiting list for Medicaid waivers.

The Commission supports the idea that the criminal justice system does not have a corresponding doctrine addressing the needs of people with developmental disabilities facing criminal charges. The proposed resolution urges the Legislative Council to assign a committee to study Indiana's criminal code so that it may better address the needs of criminal defendants with developmental disabilities.

The Commission supports a need for the development of law enforcement protocols for identifying, investigating, and prosecuting sexual assaults committed against people with developmental disabilities. The proposed resolution urges the Legislative Council to assign a committee to study the issue of establishing law enforcement protocols for identifying, investigating, and prosecuting sexual assaults and other crimes committed against people with developmental disabilities.

The Commission supports changing the name of the Commission on Mental Retardation and Developmental Disabilities to the Commission on Developmental Disabilities. The proposed legislation, PD 3182 - 2009, changes the name of the Commission to the Commission on Developmental Disabilities.

The Commission supports funding self-advocacy programs and adult guardianship programs for individuals with developmental disabilities. The proposed legislation, PD 3233 - 2009 would appropriate money to the adult guardianship program and self-advocacy program for individuals with developmental disabilities.

Other recommendations requested to be added to the report but not formally voted on by Commission members include the following.

The Commission supports maintaining the current development disability services budget appropriation for the purposes of continuing to support crisis assistance, outreach services, guardianship supports, and other infrastructure supports and to ensure access for individuals transitioning out of school and for individuals whose caregiver is over the age of 79.

The Commission supports investing in the direct support workforce by building upon the Direct Support Professional initiative which includes an IVY Tech Community College-based human services program.

The Commission supports public policies that facilitate the efficient, effective, and responsible delivery of services that simplify administrative requirements and bring equity to the allocation of resources and protect the interests of the consumers.